

(b) Regulations for visibility new source review. The provisions of § 52.28 are hereby incorporated and made a part of the applicable plan for the State of Washington.

[51 FR 23228, June 26, 1986]

Subpart XX—West Virginia

§ 52.2520 Identification of plan.

(a) Title of plan: "State of West Virginia Implementation Plan to Achieve and Maintain Air Quality Standards for Particulates, Sulfur Oxides, Nitrogen Oxides, Carbon Monoxide, Hydrocarbons, and Oxidants."

(b) The plan was officially submitted on January 27, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Addition to the plan regarding legal authority to enforce State laws in the City of Wheeling submitted on March 30, 1972, by the West Virginia Air Pollution Control Commission.

(2) Addition to the plan clarifying Resources section of SIP submitted April 20, 1972, by the West Virginia Air Pollution Control Commission.

(3) Revision to plan regarding "Permit to Construct" rule, Regulation XIII of the West Virginia Air Pollution Control Regulations, submitted May 5, 1972, by the West Virginia Air Pollution Control Commission.

(4) Revision to the plan allowing John E. Amos power plant variance to sulfur-in-fuel regulations submitted November 14, 1973, by the West Virginia Air Pollution Control Commission.

(5) AQMA designations were submitted on June 13, 1974, by the Governor of West Virginia.

(6) Indirect Source Review plan submitted on June 17, 1974, by the West Virginia Air Pollution Control Commission.

(7) Particulate matter regulation for Primary aluminum plants submitted on November 8, 1974, by the West Virginia Air Pollution Control Commission.

(8) Deletion of secondary annual and 24 hour sulfur dioxide standards from Regulation VIII submitted on March 16, 1976 by the Governor of West Virginia.

(9) Amendments to regulation X (to prevent and control air pollution from

the emission of sulfur oxides) (section 2.07 added), section 2.08 (former section 2.07), section 2.09 (former section 2.08), section 2.10 (former section 2.09), section 2.11 (former section 2.10), section 2.12 (former section 2.11), section 2.13 (former section 2.12), section 2.14 (former section 2.13), section 2.15 (former section 2.14), section 2.16 (former section 2.15), section 3.01 is superseded by new section 3.01 except section 3.01(1) Kammer Power Station which retains the old section 3.01(a), section 3.02 is replaced by new section 3.02, section 3.03 is superseded by new section 3.03 except for section 3.03(2) Rivesville Power Station, which retains the old section 3.03(a) and section 3.01(b), section 3.03(1) (Harrison Power Plant) is approved as an interim emission limitation only, sections 3.05, 3.06, and 3.07 (added), section 3.08 (former section 3.05), section 6.01 is superseded by new section 6.01, new section 10 is added, section 11 (replaces former section 10) of the West Virginia Administrative Regulations submitted on January 25, 1978 (as amended September 13, 1978), by the Governor.

(10) Revised plans for attaining primary air quality standards for TSP and SO₂ submitted to EPA by the Governor of West Virginia on June 18, 1979. These plans are contained in a document entitled, "Revisions to the State Implementation Plan to Achieve and Maintain Air Quality Standards for Particulates, Sulfur Oxides, and Ozone."

(11) Revised plan for attaining the ozone standard submitted to EPA by the Governor of West Virginia on November 21, 1979.

(12) Revised Regulations III and VIII, and new Regulations XXI, XXIII, and XXIV, submitted to EPA by the Governor of West Virginia on December 19, 1979.

(13) Amended Sections 3.01(2) and 3.03(1) of Regulation X (to prevent and control air pollution from the emission of sulfur oxides), submitted on January 25, 1978 and amended September 13, 1978 by the Governor.

(14) Amended Regulations VI and VII, and an Identification and Analysis of the Impact of the 1979 West Virginia State Implementation Plan, submitted by the Governor of West Virginia on June 13, 1980.

(15) An Implementation Plan for lead submitted by the Governor of West Virginia on June 13, 1980, and supplementary information subsequently submitted to show that lead sources would be subject to new source review.

(16) Test Procedure for Quantifying Emissions From Bulk Gasoline Loading Terminals, submitted by the Governor of West Virginia on November 6, 1980.

(17) West Virginia's plans for attaining the secondary National Ambient Air Quality Standard for total suspended particulate submitted by the Governor of West Virginia on November 14, 1980.

(18) The consent order allowing alternative emission limitations for the Mountaineer Carbon Company, Moundsville, West Virginia, submitted on July 2, 1982 by the West Virginia Air Pollution Control Commission.

(19) Consent Order dated July 6, 1982 between National Steel Corporation, Weirton Steel Division and the West Virginia Air Pollution Control Commission submitted on July 6, 1982 by Mr. Donald R. Richardson providing for an alternate emission control plan (bubble) for the Weirton, West Virginia steel mill.

(20) Amended Regulation VII of the West Virginia Air Pollution Control Regulations submitted by the West Virginia Air Pollution Control Commission on April 29, 1983.

(21) A revision submitted by the State of West Virginia on November 4, 1983 which establishes an Ambient Air Quality Monitoring Network.

(22) Amended Regulation XIX of the West Virginia Air Pollution Control Regulations submitted by the West Virginia Air Pollution Control Commission on April 29, 1983.

(23) Regulation XIV (Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration) and a commitment letter submitted on June 13, 1984, and December 16, 1985, respectively, by the Chairman of the West Virginia Air Pollution Control Commission.

(i) Incorporation by reference.

(A) Regulation XIV (Permits for the Construction and Major Modification of Major Stationary Sources of Air Pol-

lution for the Prevention of Significant Deterioration) adopted by the State of West Virginia on June 14, 1984.

(B) Letter of December 16, 1985, in which the West Virginia Air Pollutant Control Commission committed to comply with the July 8, 1985 rule-making notice concerning stack heights in its PSD permitting.

(24) Revisions to the State Implementation Plan submitted by the West Virginia Air Pollution Control Commission.

(i) Incorporation by reference.

(A) Letter from the West Virginia Air Pollution Control Commission dated September 14, 1990, submitting a revision to the West Virginia State Implementation Plan.

(B) A Consent Order, dated and effective September 12, 1990, issued by the West Virginia Air Pollution Control Commission to the Columbia Gas Transmission Corporation limiting the emissions and operation of a compressor engine at its Lost River Compressor Station in Mathias, Hardy County, West Virginia.

(ii) Additional materials—remainder of the State submittal.

(25) As of July 7, 1993 the rules in this paragraph (c)(25) are superseded by the rules contained in paragraph (c)(33) of this section. Revisions to the State Implementation Plan submitted by the West Virginia Air Pollution Control Commission, which define and impose RACT to control volatile organic compound emissions from bulk gasoline terminals, petroleum refineries, and storage of petroleum liquids in fixed roof tank facilities.

(i) Incorporation by reference.

(A) A letter from the West Virginia Air Pollution Control Commission dated June 4, 1991, submitting a revision to the West Virginia State Implementation Plan.

(B) Amendments to Series 21, 23, and 24 of the regulations of the West Virginia Air Pollution Control Commission, submitted June 4, 1991, and effective May 6, 1991.

(ii) Additional materials.

(A) The nonregulatory portions of the state submittal.

(26) Bilateral consent orders between the West Virginia Air Pollution Control Commission and six companies to

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limit emissions of particulate matter. The effective date of the consent order with Koppers is November 15, 1991; the effective date of the five other orders cited in paragraph (i)(B), below, is November 14, 1991.

(i) Incorporation by reference.

(A) Letter dated November 12, 1991 from the West Virginia Department of Commerce, Labor, and Environmental Resources transmitting six consent orders.

(B) Consent orders with the following companies (West Virginia order number and effective date in parentheses): Follansbee Steel Corporation (CO-SIP-91-31, November 14, 1991); International Mill Service, Incorporated (CO-SIP-91-33, November 14, 1991); Koppers Industries, Incorporated (CO-SIP-91-32, November 15, 1991); Standard Lafarge (CO-SIP-91-29, November 14, 1991); Starvaggi Industries, Incorporated (CO-SIP-91-34, November 14, 1991); and Wheeling-Pittsburgh Steel Corporation (CO-SIP-91-29, November 14, 1991).

(27) Revision to the State implementation plan consisting of a good engineering practice (GEP) for stack heights regulation as submitted by the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources on April 2, 1990:

(i) Incorporation by reference.

(A) Letter from the Secretary, Department of Commerce, Labor, and Environmental Resources dated April 2, 1990, submitting a revision to the West Virginia State implementation plan.

(B) Regulation 20 (45CSR20)—“Good Engineering Practice as Applies to Stack Heights” adopted by the State of West Virginia on April 8, 1989. The regulation became effective on July 14, 1989.

(ii) Additional materials.

(A) Remainder of the State implementation plan revision submitted by the West Virginia Department of Commerce, Labor, and Environmental Resources on April 2, 1990.

(28) Revisions to the State Implementation Plan submitted by the West Virginia Department of Commerce, Labor, and Environmental Resource on August 15, 1990.

(i) Incorporation by reference.

(A) Letter from the West Virginia Department of Commerce, Labor, and

Environmental Resources dated August 15, 1990 submitting a revision to the West Virginia State Implementation Plan.

(B) Amendments to the West Virginia Code Chapter 16, Article 20—Regulation VIII—“Ambient Air Quality Standards for Sulfur Oxides and Particulate Matter”; Regulation XI—“Prevention of Air Pollution Emergency Episodes”; and Regulation XIV—“Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration”. All three rules were adopted on March 19, 1990 and became effective April 25, 1990.

(ii) Additional materials.

(A) Remainder of the State Implementation Plan revision request submitted by the West Virginia Department of Commerce, Labor, and Environmental Resources on August 15, 1990.

(29) Revisions to the State Implementation Plan submitted by the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources on April 2, 1990.

(i) Incorporation by reference.

(A) Letter from the Secretary, Department of Commerce, Labor, and Environmental Resources dated April 2, 1990 submitting a revision to the West Virginia State Implementation Plan.

(B) WVA PCC Rule TP-2—“Compliance Test Procedures for Regulation II—To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers” adopted by the State of West Virginia on April 8, 1989.

(ii) Additional materials.

(A) Remainder of the State Implementation Plan revision request submitted by the West Virginia Department of Labor, Commerce, and Environmental Resources on April 2, 1990.

(30) The ten year ozone maintenance plan including emission projections and contingency measures for Huntington, West Virginia (Cabell and Wayne counties) as revised and effective on August 10, 1994 and submitted by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) The ten year ozone maintenance plan including emission projections

and contingency measures for Huntington, West Virginia (Cabell and Wayne counties) revised and effective on August 10, 1994.

(31) The ten year ozone maintenance plan including emission projections and contingency measures for Parkersburg, West Virginia (Wood County) as revised and effective on August 10, 1994 and submitted by the West Virginia Division of Environmental Protection; Office of Air Quality:

(i) Incorporation by reference.

(A) The ten year ozone maintenance plan including emission projections and contingency measures for Parkersburg, West Virginia (Wood County) revised and effective on August 10, 1994.

(32) The ten year ozone maintenance plan including emission projections and contingency measures for Charleston, West Virginia (Kanawha and Putnam Counties), as revised and effective on August 10, 1994 and submitted by the West Virginia Division of Environmental Protection; Office of Air Quality:

(i) Incorporation by reference.

(A) The ten year ozone maintenance plan including emission projections and contingency measures for the Charleston, West Virginia (Kanawha and Putnam Counties) revised and effective August 10, 1994.

(33) Revisions to the West Virginia State Implementation Plan submitted on August 12, 1993 by the West Virginia Department of Commerce, Labor & Environmental Resources.

(i) Incorporation by reference.

(A) Letter of August 10, 1993 from the West Virginia Department of Commerce, Labor & Environmental Resources transmitting Title 45 Legislative Rules, Series 21, Regulation to Prevent and Control Air Pollution from Emission of Volatile Organic Compounds.

(B) Title 45 Legislative Rules, Series 21, Regulation to Prevent and Control Air Pollution from Emission of Volatile Organic Compounds, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 36, 39, 41, 42, 43, 44, 45, 46, 47, and 48, and Appendix A, which were adopted May 26, 1993 and effective July 7, 1993.

(ii) Additional material.

(A) Remainder of August 10, 1993 State submittal pertaining to the rules referenced in paragraph (c)(33)(i) of this section.

(iii) Additional information.

(A) The rules in this paragraph (c)(33) supersede the rules contained in paragraph (c)(25) of this section.

(34) Revisions to the West Virginia State Implementation Plan submitted by the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources, Office of Air Quality, on August 10, 1993.

(i) Incorporation by reference.

(A) Letter dated August 10, 1993 from the Secretary, West Virginia Department of Commerce, Labor, and Environmental Resources, Office of Air Quality submitting 45 Code of State Regulations (CSR) Series 29 "Rule Requiring the Submission of Emission Statements for Volatile Organic Compounds and Oxides of Nitrogen Emissions" as a revision to the West Virginia State Implementation Plan. The effective date of this rule, 45CSR29 is July 7, 1993.

(B) West Virginia Regulation Title 45, Series 29, "Rule Requiring the Submission of Emission Statements for Volatile Organic Compounds and Oxides of Nitrogen Emissions," consisting of Subsections: 1. General; 2. Definitions; 3. Applicability; 4. Compliance Schedule; 5. Emission Statement Requirements; 6. Enforceability; and 7. Severability, effective July 7, 1993.

(ii) Additional Material.

(A) Remainder of August 10, 1993 State submittal pertaining to 45 CSR Series 29, "Rule Requiring the Submission of Emission Statements for Volatile Organic Compounds and Oxides of Nitrogen Emissions."

(B) [Reserved]

(35) Revisions to the West Virginia implementation plan for sulfur dioxide (SO₂) in New Manchester Grant-Magisterial District, Hancock County submitted on February 17, 1995, as amended on May 3, 1996 by West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of February 17, 1995 from Mr. David C. Callaghan, Director, West Virginia Division of Environmental Protection transmitting a SIP revision

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for the New Manchester-Grant Magisterial District, Hancock County SO₂ nonattainment area.

(B) Letter of May 3, 1996 from Mr. Laidley Eli McCoy, Ph.D., Director, West Virginia Division of Environmental Protection transmitting an amendment to the February 17, 1995 SIP revision submittal for the New Manchester-Grant Magisterial District, Hancock County SO₂ nonattainment area.

(C) Implementation plan document (as amended, May 3, 1996), entitled "Revision to the West Virginia State Implementation Plan to Achieve and Maintain the National Ambient Air Quality Standards for Sulfur Dioxide in the New Manchester-Grant Magisterial District".

(D) Consent order entered into by and between the State of West Virginia and the Quaker State Corporation on January 9, 1995. The consent order was effective on January 9, 1995.

(E) Consent order entered into by and between the State of West Virginia and the Weirton Steel Corporation on January 9, 1995. The consent order was effective on January 9, 1995.

(ii) Additional material.

(A) Remainder of West Virginia's February 17, 1995 submittal, as amended on May 3, 1996.

(36) The ten year ozone maintenance plan including emission projections and contingency measures for Greenbrier County, West Virginia effective on September 1, 1994 and submitted by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of September 9, 1994 from the West Virginia Division of Environmental Quality transmitting the ozone maintenance plan for Greenbrier County.

(B) The ten year ozone maintenance plan including emission projections and contingency measures for Greenbrier County, West Virginia effective on September 1, 1994.

(ii) Additional Material.

(A) Remainder of September 9, 1994 State submittal pertaining to the maintenance plan referenced in paragraph (c)(36)(i) of this section.

(B) [Reserved]

(37) Revisions to the West Virginia State Implementation Plan submitted on May 16, 1995 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of May 16, 1995 from West Virginia Division of Environmental Protection, transmitting the General Conformity Rule.

(B) Title 45, Legislative Rule, Series 35 (45CSR35), Requirements for Determining Conformity of General Federal Actions to Applicable Air Quality Implementation Plans (General Conformity), effective May 1, 1995.

(ii) Additional material.

(A) Remainder of May 16, 1995 State submittal pertaining to 45CSR35 referenced in paragraph (c)(37) of this section.

(38) [Reserved]

(39) Revisions to the West Virginia Regulations 45 CSR 14 submitted on August 10, 1993 by the West Virginia Department of Commerce, Labor & Environmental Resources:

(i) Incorporation by reference.

(A) Letter of August 10, 1993 from the West Virginia Department of Commerce, Labor & Environmental Resources transmitting revisions to 45 CSR 14 "Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration".

(B) Revisions to 45 CSR 14, effective July 7, 1993, including revisions to definitions and the addition of NO₂ increment provisions. Not included in this incorporation by reference are 45 CSR 14 paragraphs 1.1, 1.2, 2.1, 2.4, 2.9, 2.11, 2.13, 2.13, 2.22, 2.26, 2.27, 2.32, 2.33 to 2.38, 3.2, 4.1 to 4.3, 5.1, 7.1 to 7.4, 8.1, 10.1, 10.4, 10.7, and 11.1.

(40) Revisions to the West Virginia Regulations 45 CSR 14 submitted on May 20, 1996 by the West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of May 20, 1996 from the West Virginia Division of Environmental Protection transmitting revisions to 45 CSR 14 "Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration".

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(B) Revisions to 45 CSR 14, effective May 1, 1995, including the addition of PM-10 increment provisions, revisions to definitions, and preconstruction review requirements for electric steam generating units. Not included in this incorporation by reference are 45 CSR 14 paragraphs 4.1 to 4.3, 7.3, 8.1, 10.1, 10.2, 10.4, and 11.1.

[37 FR 10901, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2520, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 52.2521 Classification of regions.

The West Virginia plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Steubenville-Weirton-Wheeling Interstate	I	I	III	III	III
Parkersburg-Marietta Interstate	I	II	III	III	III
Huntington-Ashland-Portsmouth-Ironton Interstate	I	III	III	III	III
Kanawha Valley Intrastate	I	III	III	III	III
Southern West Virginia Intrastate	III	III	III	III	III
North Central West Virginia Intrastate	I	III	III	III	III
Cumberland-Keyser Interstate	I	I	III	III	III
Central West Virginia Intrastate	III	III	III	III	III
Allegheny Intrastate	III	III	III	III	III
Eastern Panhandle Intrastate	III	III	III	III	III

[37 FR 10902, May 31, 1972]

§ 52.2522 Approval status.

With the exceptions set forth below in this subpart, the Administrator approves West Virginia's plan for the attainment and maintenance of the national standards.

(a) The Administrator approves the deletion of the provisions found in section 3.03(b) of regulation X except as it applies to the Rivesville plant, Monongahela Power Co.

(b) The Administrator hereby extends the interim limitation of 5.12 lbs. SO₂ per million BTU for the Harrison power plant until a permanent emission limitation is approved.

(c) The Administrator approves the amended Sections 3.01(2) and 3.03(1) of West Virginia Air Pollution Control Commission Regulation X submitted January 25, 1978 and amended September 13, 1978, as a plan for attainment of the primary SO₂ NAAQS. The Administrator does not approve the State's control strategy for attainment and maintenance of the secondary SO₂ NAAQS submitted on those dates, so far as it applies to the Mitchell and Harrison power stations.

(d) The Administrator approves West Virginia's November 15, 1991 SIP submittal for fulfilling all PM-10-specific requirements of part D of the Clean Air Act applicable to the Follansbee, West Virginia PM-10 nonattainment area, except for the section 189(a)(1)(B) requirement for a demonstration that the plan is sufficient to attain the PM-10 NAAQS, which the Administrator is disapproving, and the section 172(c)(9) requirement for contingency measures, which the Administrator has yet to act upon.

(e)-(f) [Reserved]

(g) The Administrator approves West Virginia's November 22, 1995 SIP submittal for the Follansbee, West Virginia PM-10 nonattainment area as fulfilling the section 189(a)(1)(B) requirement for a demonstration that the plan is sufficient to attain the PM-10 NAAQS.

[38 FR 16170, June 20, 1973, as amended at 45 FR 39255, June 10, 1980; 45 FR 54051, Aug. 14, 1980; 45 FR 74480, Nov. 10, 1980; 47 FR 55396, Dec. 9, 1982; 59 FR 37688, July 25, 1994; 60 FR 33925, June 29, 1995; 61 FR 58482, Nov. 15, 1996]